



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO ATTENTION OF
ECW-15J

Mr. Eric Oswald, Director
Drinking Water and Environmental Health Division
Michigan Department of Environment, Great Lakes and Energy
525 West Allegan Street
P. O. Box 30473
Lansing, Michigan 48909-797

Re: **Response Due October 15, 2021**– July 2021 Quarterly Compliance Letter

Dear Mr. Oswald:

In June 2019, OECA selected drinking water as a new National Compliance Initiative (NCI). The drinking water NCI focuses on community water systems (CWSs). The goals of the NCI include: ensuring clean and safe water by improving compliance at CWSs regulated under the Safe Drinking Water Act (SDWA); and developing a sustainable drinking water compliance assurance and enforcement program in every U.S. Environmental Protection Agency (EPA) region to support our shared accountability with primacy agencies in ensuring clean and safe water to better serve all Americans. Joint and strategic planning with primacy agencies will play a key role in the new drinking water NCI. EPA recognizes that primacy agencies have many responsibilities under SDWA. EPA seeks to add value by working more effectively with states, localities, tribal nations, and the regulated community in carrying out our shared responsibilities.

As you know, EPA generates Enforcement Targeting Tool (ETT) scores every quarter for public water systems (PWSs) regulated under SDWA. The ETT is part of the National Drinking Water Enforcement Response Policy (ERP) and is a management tool that helps EPA and states, tribes and territories (primacy agencies) prioritize PWSs for compliance assurance and enforcement responses. As part of Region 5's ongoing collaboration with Michigan, we would like to discuss ways EPA can complement and supplement ongoing efforts to reduce the number of PWSs in noncompliance.

We would like to discuss Michigan's activities in response to noncomplying PWSs and progress made towards returning to compliance. PWSs with ETT scores of 11 or higher are considered priority systems. The July 2021 ETT shows that there are 115 priority systems in Michigan. Attached for your review is an Excel workbook that identifies the systems that are in priority status and where the EPA is seeking an update on the progress to return to compliance.

The update for these systems should include a description of activities taken to date, planned formal or informal actions and projections for returning the system to compliance as applicable.

One of the approaches under the new NCI is to increase consistent implementation of the ERP for responding to priority CWSs and other systems of concern. The ERP discusses timely and appropriate responses for systems in priority status. Once a PWS is identified as an enforcement priority, an appropriate formal action or return to compliance will be required within two calendar quarters to be considered timely. Some flexibility is allowed for systems whose return to compliance is expected to be imminent.

The figure below from the last data freeze identifies there are 415 PWSs in Region 5 that have been out of compliance for three or more consecutive quarters.

Number of PWSs in Region 5 That Have Been in Priority Status for Three or More Consecutive Quarters				
	CWS	NTNCWS	TNCWS	Total
05	1	0	0	1
IL	3	22	268	293
IN	4	1	47	52
MI	0	7	47	54
MN	2	0	1	3
OH	1	2	1	4
WI	4	1	3	8
Total	15	33	367	415

Of the 115 priority systems in Michigan, there are 54 systems that have been in priority status for three or more quarters and these are identified, by orange shading, in the attached spreadsheet. EPA will be paying particular attention to how Michigan plans to return to compliance the PWSs that have been in priority status for three or more quarters.

Under Section 1414 (a) of SDWA, if EPA identifies a PWS in a state with primary enforcement responsibility that is in noncompliance with the federal drinking water regulations or requirements, EPA must notify the primary enforcement agency, and the PWS, of the noncompliance. EPA may also issue an information request under Section 1445(a)(1), conduct a compliance inspection under Section 1445(b)(1) and issue formal administrative orders under Section 1414(g). Use of these tools are discussed in the [Partnership Policy](#), along with joint work planning and effective communication with primary enforcement agencies to further the goal of shared accountability for the consistent enforcement of the law.

The Excel workbook has cells that need to be filled in, according to the column headings, for each PWS in priority status for three or more quarters. We ask that you provide your updates in the attached workbook by **no later than October 15, 2021**.

We appreciate your time and effort in providing these requested updates. If you have questions about this letter, please contact Victoria Anderson at anderson.victoria@epa.gov or (312) 353-4367.

Sincerely,

**Elizabeth
Murphy**

Digitally signed by
Elizabeth Murphy
Date: 2021.08.18
11:09:42 -05'00'

Elizabeth Murphy

Chief

Water Enforcement & Compliance Assurance Branch, Section 3

Email Attachments:

Michigan July 2021 ETT Workbook

cc: (Via e-mail)

George Krisztian, EGLE
Brian Thurston, EGLE
Kris Phillip, EGLE
Dana DeBruyn, EGLE
Dan Dettweiler, EGLE
Elizabeth Murphy, EPA
Jonathan Moody, EPA
Rita Bair, EPA
Kate Balasa, EPA
Natalia Vazquez, EPA
Victoria Anderson, EPA